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10/691,715	10/22/2003	Scott Davis	004770.00862	6858
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BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			KEATON, SHERROD L	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/691,715	<b>Applicant(s)</b> DAVIS, SCOTT
	<b>Examiner</b> SHERROD KEATON	<b>Art Unit</b> 2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 October 2009.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 11-18,20,23-30,33,36-39 and 41-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 11-18,20,23-30,33,36-39 and 41-48 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date: \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is in response to the filing of 10-05-2009. Claims 1-10, 19, 21-22, 31-32, 34-35 and 40 have been cancelled and claims 11-18, 20, 23-30, 33, 36-39 and 41-48 are pending and have been considered below:

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 11-14, 16-18, 23-26, 28, 36, 39 and 42-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez et al ("Martinez" 6147683) in view of Eisenberg (6331866 B1).

**Claim 16:** Martinez discloses one or more computer-readable memory storing computer executable instructions that, when executed by a data processing device, perform:

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obtaining a location of an item of interest, identified by a user, within a set of information;

storing the location of the item of interest; and

providing a graphical user interface comprising:

a viewing region configured to display a portion of the set of information; a scroll bar that maps to the set of information; a slider configured to move relative to the scroll bar to determine the portion of the set of information that is displayed within the viewing region; and

a graphical indicator displayed at a position relative to the scroll bar to indicate the location of the item of interest within the set of information, and displayed at a size relative to the scroll bar to indicate a size of the item of interest relative to a size of the set of information (abstract; Figures 3-10; column 5, lines 33-58)

However does not disclose that the size of the graphical indicator configured to dynamically change in response to a change in the size of the set of information.

Eisenberg discloses a display control for software notes and further discloses an indicator being sized based on selected portion of information, therefore if the information size changed the indicator would change accordingly (Column 3, Lines 1-5 and Column7, Lines 45-51). Therefore it would have been obvious to one having ordinary skill in the art the time of the invention to have an indicator in which size is adjusted based on information in Martinez as taught by Eisenberg. One would have been motivated to have indicator size adjustment based on information to improve user

navigation proficiency by distinguishing between points of slight interest and large points of focus on items that may need to be edited.

**Claim 11:** Martinez and Eisenberg disclose a computer readable memory as in Claim 16 and further discloses that wherein the computer executable instructions, when executed by the data processing device, further performs: receiving an identification of the item of interest by the user via at least one via a mouse, keystroke, or audio stimulus and highlighting the item of interest in the viewing region in response to receiving the identification of the item of interest. (Martinez: Figure 5; Column 6, Lines 20-30 and 43-51).

**Claim 12:** Martinez and Eisenberg disclose a computer readable memory as in Claim 16 and further discloses the computer-readable memory of claim 16, wherein the computer executable instructions, when executed by the data processing device, further perform: removing the graphical indicator from the graphical user interface based on input unhighlighting the item of interest (Martinez: Column 7, Lines 1-12).

**Claim 13:** Martinez and Eisenberg disclose a computer readable memory as in Claim 16 wherein the computer executable instructions, when executed by the data processing device, further perform: displaying the item of interest within the viewing

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region in response to an input moving the slider proximate to the graphical indicator (Martinez: Figures 3-6) shows that items selected are present when slider is proximate to the indicator.

**Claim 14:** Martinez and Eisenberg disclose a computer readable memory of claim 16 wherein the computer executable instructions, when executed by the data processing device, further perform: receiving an input invoking the graphical indicator via one or more of a mouse, a keystroke and an audio stimulus (Martinez: Column 7, Lines 36-40).

**Claim 17:** Martinez and Eisenberg disclose a computer readable memory as in 16 above wherein the graphical user interface comprises one or more additional graphical indicators for a respective one or more additional items of interest identified by the user (Martinez: Figures 12-14; Column 7, Lines 61-65)

**Claim 18:** Martinez and Eisenberg disclose a computer readable memory as in 16 above wherein the graphical indicator is displayed within the slider when the item of interest is displayed within the viewing region (Martinez: Figures 11-12).

**Claim 23:** Claim 23 is similar in scope to claim 16 and therefore rejected under the same rationale.

**Claim 24:** Martinez and Eisenberg disclose the method as in claim 23 wherein the graphical user interface further comprises a second graphical indicator displayed at a position relative to the scroll bar to indicate the location of a second user identified point of focus within the list

The method further comprising: moving the second graphical indicator relative to the scroll bar in response to a user input and changing the location of the second point of focus in response to the moving of the second graphical indicator (Martinez: Figure 12; Column 7, lines 61-65)

**Claim 25:** Martinez and Eisenberg disclose the claim 24, wherein the second graphical indicator is differentiated from the first graphical indicator by at least one of color size shape and position (Martinez: Figure 12: position; Column 8, Lines 33-38).

**Claim 26:** Martinez and Eisenberg discloses a method as in claim 23 and further discloses providing information indicative of the first user identified point of focus in

response to a pointer positioned proximate to the first graphical indicator (Martinez:

Figure 10; Column7, lines 29-42).

**Claim 28:** Claim 28 is similar in scope to claim 26 and therefore rejected under the same rationale.

**Claim 36:** Claim 36 is similar in scope to claim 16 and therefore rejected under the same rationale.

**Claim 39:** Martinez and Eisenberg disclose a method as in claim 36 and further discloses providing information indicative of the first user identified point of focus in response to a pointer positioned proximate to the first graphical indicator (Martinez: Figure 10; Column7, lines 29-42)

**Claim 42:** Martinez and Eisenberg disclose computer-readable memory of claim 16, wherein the computer executable instructions, when executed by the data processing device, further perform;

changing the location of the item of interest based on an input from a second user of the plurality of users in a shared environment. (Martinez: Column 3, Lines 10-12; Column 5,

Lines 8-20) Here Martinez discloses the multi-user system. (Martinez: Figure 4; Column 6, Line 44-Column 7, Line12) Here a user or users select and deselect according to preference.

**Claim 43:** Claim 43 is similar in scope to claim 42 and therefore rejected under the same rationale.

**Claim 44:** Claim 44 is similar in scope to claim 42 and therefore rejected under the same rationale.

**Claim 45:** Claim 45 is similar in scope to claim 16 and therefore rejected under the same rationale.

**Claim 46:** Claim 23 is similar in scope to claim 17 and therefore rejected under the same rationale.

**Claim 47:** Claim 23 is similar in scope to claim 18 and therefore rejected under the same rationale.

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3. Claims 15, 20, 27, 29, 30, 33, 37, 38 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez et al ("Martinez" 6147683) and Eisenberg (6331866 B1) in further view of Ishikawa(5506951).

**Claim 15:** Martinez and Eisenberg disclose a computer readable memory of claim 16 above but do not explicitly disclose the computer executable instructions, when executed by the data processing device, further perform: displaying the item of interest within the viewing region in response to an input invoking the graphical indicator However Ishikawa discloses a scroll bar with jump tags and further discloses displaying item of interest in viewing region when indicator is invoked (Fig 3f, 3g; Column 6, Lines 8-15). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow indicators to jump to areas of interest in the modified Martinez as taught by Ishikawa. One would have been motivated to jump to areas of interest to be able to quickly access the data.

**Claim 20:** Martinez and Eisenberg disclose the computer-readable memory of claim 16, wherein the graphical user interface further comprises:  
one or more additional scroll bars;  
one or more additional sliders configured to move relative to the one or more additional scroll bars to move the set of information in multiple directions for positioning the portion of the set of information within the viewing region; and

one or more additional graphical indicators corresponding to the item of interest and displayed at positions relative to the one or more additional scroll bars to indicate the location of the item of interest within the set of information; and wherein the computer executable instructions, when executed by the data processing device (Martinez: Figure 16 Column 8, Lines 23-39), Martinez does not explicitly disclose displaying the item of interest within the viewing region in response to an input invoking any of the one or more additional graphical indicators. However Ishikawa discloses a scroll bar with jump tags and further discloses displaying item of interest in viewing region when indicator is invoked (Fig 3f, 3g; Column 6, Lines 8-15). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow indicators to jump to areas of interest in the modified Martinez as taught by Ishikawa. One would have been motivated to jump to areas of interest to be able to quickly access the data.

**Claim 27:** Martinez discloses a method comprising:

receiving a position of a graphical indicator on a scroll bar, said graphical indicator associated with a point of focus;  
obtaining a location of the point of focus within data based on the position of the graphical indicator on the scroll bar; and  
utilizing the location of the point of focus to locate the point of focus within the data; wherein a size of the graphical indicator relative to the size of the scroll bar indicates a

size of the point of focus relative to a size of the data and a second user (abstract;  
Figures 3-10; column 5, lines 33-58; Column 3, Lines 11-12)

the size of the graphical indicator configured to dynamically change in response to a change in the size of the data. However does not disclose that the size of the graphical indicator configured to dynamically change in response to a change in the size of the set of information. Eisenberg discloses a display control for software notes and further discloses indicator being sized based on selected portion of information, therefore if the information size changed the indicator would change accordingly (Column 3, Lines 1-5 and Column 7, Lines 45-51). Therefore it would have been obvious to one having ordinary skill in the art the time of the invention to have an indicator in which size is adjusted based on information in Martinez as taught by Eisenberg. One would have been motivated to have indicator size adjustment based on information to improve user navigation proficiency by distinguishing between points of slight interest and large points of focus on items that may need to be edited.

Nor does Martinez disclose changing the location of the point of focus based on a user input from a first user moving the graphical indicator on the scroll bar; and changing the location of the point of focus based on a user input from a user moving the graphical indicator on the scroll bar,

However Ishikawa discloses a scroll bar with jump tags and further discloses dragging jump tag to a new position (Fig 6a; Column 9, Lines 8-17). Therefore it would have been

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obvious to one having ordinary skill in the art at the time of the invention to allow indicators to be moved in the modified Martinez as taught by Ishikawa. One would have been motivated to move indicators to a new position to provide flexibility to the system in allowing user to edit positions of interest.

**Claim 29:** Martinez, Eisenberg and Ishikawa disclose a method as in Claim 27 above and further discloses automatically returning the point of focus to the first based on the first user invoking the graphical indicator and returning the point of focus to second user based on the second user invoking the graphical indicator. Martinez (Column 3, Lines 10-12; Column 5, Lines 8-20) describes the ability to have multiple users and Ishikawa (Fig 3f, 3g; Column 6, Lines 8-15) jump tags allow user to return to a certain area or position of interest.

**Claim 30:** Martinez, Eisenberg and Ishikawa disclose a method as in Claim 27 above and further discloses returning the point of focus to the first based on the first user manually navigating a slider proximate to the graphical indicator and returning the point of focus to the second user based on the second user manually navigating a slider proximate to the graphical indicator. Martinez (Column 3, Lines 10-12; Column 5, Lines 8-20) describes the ability to have multiple users and (Figures 4-14) figures show user is provided functionality to manually move slider to get to indicators.

**Claim 33:** Martinez and Eisenberg disclose a method as in claim 20 wherein the computer executable instructions, when executed by the data processing device, further perform: receiving input selecting any one of the graphical indicator and the one or more additional graphical indicators; and moving each slider to one of the graphical sliders. Martinez discloses placing indicators on the multiple scroll bars regarding a point of interest (Column 8, Lines 23-38). However does not disclose the automatic functionality; However Ishikawa discloses a scroll bar with jump tags and further discloses jumping automatically to display the item of interest in viewing region when indicator is invoked (Fig 3f, 3g; Column 6, Lines 8-15). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow indicators to jump to areas of interest in the modified Martinez as taught by Ishikawa. One would have been motivated to jump to areas of interest to be able to quickly access the data.

**Claim 37:** Martinez and Eisenberg disclose the computer-readable media of claim 36, wherein the graphical user interface further comprises:  
a second graphical indicator displayed at a position relative to the scroll bar to indicate the location of, a second user-identified point of focus within the list (Martinez: Figure 12);

However does not explicitly disclose wherein the computer executable instructions, when executed by the processor, further perform: moving the second graphical indicator relative to the scroll bar in response to a user input; and changing the location of the second point of focus in response to the moving of the second graphical indicator. Ishikawa discloses a scroll bar with jump tags and further discloses dragging jump tag to a new position thereby changing the area of focus (Fig 6a; Column 9, Lines 8-17). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow indicators to be moved in the modified Martinez as taught by Ishikawa. One would have been motivated to move indicators to a new position to provide flexibility to the system in allowing user to edit positions of interest.

**Claim 38:** Martinez, Eisenberg and Ishikawa disclose a computer-readable medium as in claim 37, and further disclose that the second graphical indicator is differentiated from the first graphical indicator by at least one of color, size, shape, and position (Martinez; Column 7, Line 65-Column 8, Line 12 and lines 32-38). Different selections are selected and shown in different positions on the scroll bar and allowing use of different colors.

**Claim 48:** Claim 23 is similar in scope to claim 20 and therefore rejected under the same rationale.

4. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez et al (6147683) and Eisenberg (6331866 B1) in further view Blumberg (6799303 B2).

**Claim 41:** Martinez and Eisenberg disclose a computer readable medium of claim 16, but do not explicitly disclose wherein the scroll bar includes a circular dial, wherein the slider rotates around the circular dial and wherein a 360-degree rotation around the dial corresponds with traversing the set of information from one of: a beginning to end and a end to beginning. However Blumberg discloses a system with a circular scroll functionality that allows user to rotate with a 360 rotation (Figure 21; Column 16, Lines 33-41). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to provide the circular scroll functionality in the modified Martinez as taught Blumberg. One would have been motivated to provide the functionality as an additional and enhanced design choice in reference to the scroll functionality.

***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection as necessitated by the amendments.

***Conclusion***

Applicant's amendments necessitated the new ground(s) of rejection presented in this office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherrod Keaton whose telephone number is 571) 270-1697. The examiner can normally be reached on Mon. thru Fri. and alternating Fri. off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on 571-272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SLK

1-27-10

/William L. Bashore/  
Supervisory Patent Examiner, Art Unit 2175